

WHAT SHOULD BE IN MY COOPERATIVE AGREEMENT?

In order to apply for Recycling Efficiency Incentive Grant funding under ch. NR 549, Wis. Admin. Code, from the Department of Natural Resources (DNR), a Responsible Unit must submit an application by the postmark deadline (and include all attachments).

If a Responsible Unit is claiming a cooperative agreement as its measure of recycling efficiency, then that Responsible Unit must have a copy of the cooperative agreement in its files. Periodically, staff from the DNR will conduct field audits and check to see that these agreements are on file.

The code does not specify a required format for the cooperative agreement, so the format can be chosen by the parties. Regardless of the format, all cooperative agreements must contain the following information to satisfy ch. NR 549 requirements:

- 1- The title of the cooperative agreement.
- 2- Purpose of the cooperative agreement and names of the participating Responsible Units (RU).
- 3- A description of what each participating RU will do through the cooperating agreement. Will one RU pay money to the other RU? If yes, how much and how frequently? And what services will the other RU provide for the funds they receive? Collection, sorting, planning, or educational efforts? How frequently? By what deadline?
- 4- The effective dates (starting and ending) of the cooperative agreement. If there is no end date to the agreement, then only a starting date needs to be mentioned.
- 5- Statement of expectations of how costs will be reduced, funds will be saved, or the scope or quality of each RU's recycling program will be improved.
- 6- Spaces for the signature and title of representatives authorized under s. 66.0301, Wis. Stats., from EACH responsible unit and the date on which the signature was affixed. You do not have a valid cooperative agreement if only one party has signed the document.

Your city, town, village, or county may require you to include other provisions or terms in your cooperative agreement that are beyond those identified in ch. NR 549, Wis. Admin. Code. Please be sure to check with your legal counsel to ensure that these requirements are addressed.

Good luck creating your recycling cooperative agreement.

This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance cannot be relied upon and does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.